

SENATE No. 1768

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act authorizing the commissioner of capital asset management and maintenance to convey a certain parcel of land in the town of Templeton.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to transfer a parcel of land to the Town of Templeton for a new public school forthwith, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General
2 Laws or any general or special law to the contrary, the commissioner of capital asset
3 management and maintenance may convey a portion of a certain parcel of state-owned land in
4 the Town of Templeton, to the town of Templeton, for municipal public educational purposes.
5 The parcel is located on the southeast side of Route 202, a/k/a King Phillip Trail, and contains
6 approximately 26 acres as shown on a plan entitled “Proposed Elementary School Study Area”
7 Prepared for The Commonwealth of Massachusetts Division of Capital Asset Management &
8 Maintenance, dated February 19, 2013 and is on file with the division of capital asset
9 management and maintenance.. The exact location and boundaries of the elementary school site
10 parcel to be conveyed, which will be a portion of the above 26 acre parcel, shall be determined
11 by the commissioner of capital asset management and maintenance in consultation with the
12 department of developmental services and the town of Templeton based on the most appropriate
13 site for a municipal elementary school and associated facilities with the least impacts to
14 agricultural and forest resources. The use of the parcel to be conveyed to the Town shall be
15 restricted to use for a municipal public school of the town of Templeton. This parcel shall be
16 conveyed by deed without warranties or representations by the commonwealth. The parcel,
17 owned by the commonwealth of Massachusetts, was dedicated to forest and open space
18 protection, management and conservation, environmental education, environmental access and
19 public access for passive recreation and enjoyment by chapter 504 of the acts of 2002 and the

20 agricultural field portion, utilized by the Templeton Development Center’s Valley Farm, was
21 exempted from these uses but is subject to executive order #193 uses. The portion(s) of the
22 above 26 acres not used for municipal educational purposes shall remain dedicated to the
23 purposes described in chapter 504 of the acts of 2002 and/or dedicated to the exempted
24 agricultural fields (subject to executive order #193) as described in chapter 504. The parcel is
25 currently used for those purposes, primarily public access for passive recreation and
26 conservation, wildlife management and agriculture. The parcel to be conveyed to the Town is to
27 be diverted from its present use to use for a municipal public school of the town of Templeton.

28 SECTION 2. The consideration for the parcel shall be nominal, as determined by the
29 commissioner of capital asset management and maintenance. As a condition of the conveyances
30 in Section 1 and 5, the Town shall purchase, transfer or dedicate municipal and/or private land,
31 or a conservation restriction, and or an agricultural preservation restriction, as defined in sections
32 31 through 33 of chapter 184 of the general laws, to be held by the Town under the Conservation
33 Commission for permanent conservation and or agricultural purposes that has at least the
34 equivalent acreage and natural resources, as determined by the executive office of energy and
35 environmental affairs, contained in the parcel to be conveyed in Sections 1 and 5.

36 SECTION 3. Notwithstanding any general or special law to the contrary, the town of
37 Templeton shall be responsible for all costs and expenses of the transaction authorized in this act
38 as determined by the commissioner of capital asset management and maintenance including, but
39 not limited to, the costs of any engineering, surveys, appraisals, title examinations, recording fees
40 and deed preparation related to the conveyance of the parcel and all costs, liabilities and
41 expenses of any nature and kind for its ownership. The town of Templeton shall acquire the
42 property thereon in its present condition.

43 SECTION 4. The deed or other instrument conveying the parcel to the town of
44 Templeton shall provide that if the parcel ceases at any time to be used for the purposes set forth
45 in this act, title to the parcel shall, at the election of the commonwealth, revert to the
46 commonwealth and to the purposes listed in chapter 504 of the acts of 2002 and its exempted
47 agricultural purposes.

48 SECTION 5. Notwithstanding any general or special law to the contrary, the
49 commissioner may, subject to appropriation, retain, accept or acquire by purchase, transfer,
50 lease, eminent domain, pursuant to chapter 79 of the General Laws, or otherwise, grant by deed,
51 transfer, lease, eminent domain, pursuant to said chapter 79, or otherwise, or grant by deed,
52 transfer, lease or otherwise, any rights-of-way or easements, in, over and beneath any parcel or
53 portions thereof, any other portions of the Templeton developmental center site, or any other
54 property of the commonwealth, for drainage, access, egress, utilities and other purposes, as the
55 commissioner deems necessary and appropriate to carry out the purposes of this act.